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ABSTRACT

This book contains nine lessons focusing on legal issues raised by the illegal use and abuse of alcohol and other drugs and efforts by the criminal justice system to curb that use and abuse. The lessons are interactive and sequential, although individual lessons can stand alone. The lessons are designed to be presented to middle and high school students by educators, law students, and attorneys. Individual supplements are available for many states that detail relevant state law for use with the lessons. The supplements focus on legal information on driving while intoxicated laws, drug offenses, sentencing, and drug and alcohol statutes written specifically to combat the use of alcohol and drugs by juveniles in that state. (RJC)

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ED 372 024

ANTIDOTE:

civic responsibility

Drug Avoidance Lessons For Middle & High School Students

WITH STATE LAW SUPPLEMENTS

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SO 024 349

Antidote:
Civic Responsibility

Drug Avoidance Lessons
For Middle & High School Students

With State Specific Supplements

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First Edition

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Antidote: Civic Responsibility

Introduction

This book contains nine lessons focusing on legal issues raised by the illegal use and or abuse of alcohol and other drugs and efforts to curb that use and abuse by the criminal justice system. The lessons are interactive and sequential, although individual lessons can stand alone. The lessons are designed to be presented by educators, law students, attorneys and other classroom resources to middle and high school students.

The Appendix to this book contains helpful hints for law students, attorneys and other classroom resources who work with this material. You are encouraged to consult the appendix prior to making your first classroom visit.

We have designed a set of materials that will educate students about the negative consequences of using drugs and alcohol, promote participation in community service projects that combat the drug problem, and place students in the roles of attorneys, judges, law enforcement officers, jurors, and parents. The lessons are interactive in nature and promote critical thinking, speaking, writing, and listening skills.

A supplement is available for each state that details relevant state specific law for the lessons. Included in the supplement is legal information on Driving While Intoxicated laws, drug offenses, sentencing, and drug and alcohol statutes written specifically to combat the use of alcohol and drugs by juveniles in your state.

We hope that you will find these lessons useful in your efforts at drug and alcohol abuse prevention and in your efforts to teach about the strain on our Constitution and criminal justice system being produced, not only by the illegal distribution and abuse of alcohol and drugs, but also by the tremendous number of crimes being committed by those under the influence of these substances.

Phi Alpha Delta Public Service Center welcomes your comments, questions and constructive criticism about this publication. Send your written comments to us:

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LESSON ONE

You Be The Judge

LESSON ONE: YOU BE THE JUDGE

I. LESSON DESCRIPTION

Students are asked to rank a list of behaviors according to their seriousness. Some of the behaviors are criminal in nature. Students then work in groups to design a smoking policy for a restaurant taking into account the rights of both smokers and non-smokers.

II. OBJECTIVES

1. Students will compare their opinions about the law with the actual law of their state.

2. Students will recognize how their own value system influences their opinions about the law.

3. Students will discuss the process of compromise in formulating a "good rule" for society.

III. KEY CONCEPTS AND VOCABULARY

juvenile Reye's Syndrome residence hall

rule

IV. STEPS

1. Go over Handout #3 - KEY CONCEPTS & VOCABULARY unless this has already been accomplished by the teacher.

2. Distribute Handout #1 and read the 10 fact scenarios to the students. Have them follow along with you.

3. Tell students to think about each scenario carefully, decide if the action should, IN THEIR OPINION, be a crime. Next, students should rank each action (crimes and non-crimes) 1-10, with 10 being the MOST SERIOUS behavior and 1 being the LEAST SERIOUS.

   ♦ Be sure to stress to students that at this stage of the lesson there are no "right" or "wrong" answers.

4. Read the first scenario out loud. Ask for a volunteer to share his/her choice for the most and least serious crime. If no student volunteers, call on someone. Ask other students if they agree. Have students share their answers and state why they made each choice. Write some choices for least and most serious behavior on the board and discuss obvious differences or unusual results. Be careful not to dominate or control the discussion by giving your opinions or citing the law. Accept all answers with positive reinforcement.

Possible questions for discussion:

a. What were your reasons for designating the behavior as serious or not? List the important reasons.

b. What facts were important to you in ranking the behavior, ie: age, motive, whether or not other people were involved or hurt?

c. Why did you classify a behavior as being/not being a crime?

V. GENERAL DISCUSSION

Briefly review with students the state-specific laws as the laws apply to each scenario. See supplement. Ask students to compare their rankings to their state laws. If necessary, use student responses from the earlier discussion as examples.

VI. ADDITIONAL ACTIVITIES

THE TOBACCO RULE - See Handout #2

In this section of the lesson ask students to apply the concepts they have learned by developing a policy as stated in Handout #2. Alternatively, you may change the scenario to a rule about alcohol consumption, playing music or having guests in an apartment or dorm room.

Depending upon class size, have students work individually or put them in small groups by having students count off 1 to 6 (or another number depending upon class size) and join the group with the same number. Have each group choose one student to be the recorder to take notes for the group, another student to be the reporter to report the group's conclusions to the class and another student to be group leader to ensure all students have an opportunity to participate in the group discussion.

Students should begin by determining criteria for a "good rule." A good rule should:

- be fair
- be clear and easy to follow
- accomplish the purpose for which it was written

Once rules have been formulated have each group state its rule. Discuss the results using the Discussion Questions and the three criteria for a good rule listed above as a guide.

Discussion Questions

1. What reasons did your group consider in drafting the rule?
2. What did your group find most difficult in drafting the rule?
3. How did your group handle differences of opinion or arrive at a compromise?

VII. RELEVANT LAW

See supplement.

HANDOUT #1 - YOU BE THE JUDGE

Instructions: Decide whether each behavior should **IN YOUR OPINION** be a crime. Circle yes or no. Next, rank each behavior (both crimes and non-crimes) according to the seriousness of the behavior with 10 being the MOST SERIOUS and 1 the LEAST SERIOUS. There are no correct answers - decisions should be based on your opinion.

		Crime?		Rank all behaviors
1.	Aimee, age 10, gives her little sister, Carrie, age 3, two aspirin because she has a fever and is crying.	Y	N	-----
2.	Tyrell, age 17, has a glass of wine at home at dinner without his parents' knowledge.	Y	N	-----
3.	Maria, a college student, tells her roommates whom to call to buy marijuana.	Y	N	-----
4.	Twins, Adam and Alex, 18 year old high school basketball stars, are on their way home from an evening of drinking at a New Year's Eve celebration when they get into a fight with Joe at a bus stop. During the fight Joe falls in front of a car and is killed. Other than the fight and the drinking, have Adam and Alex committed a crime?	Y	N	-----
5.	Jose, age 17, was driving his brother Carlos, age 22, and their friend TJ, age 18, around town while everyone but Jose was drinking. Has Jose committed a crime?	Y	N	-----
6.	Dr. Melrose upon request gave his patients prescriptions for pain killers, without conducting a complete examination or determining actual need for the particular pills.	Y	N	-----
7.	Danielle, a part time delivery girl at a pharmacy, takes one or two pills from each bottle she delivers.	Y	N	-----
8.	Renee, a single mother, sells drugs to support her 3 children. She has her daughter Mary, age 5, deliver the "candy" to the big kids on the playground and then bring the money back to her to buy groceries.	Y	N	-----
9.	Jim and Andre use the same syringe to help one another shoot up heroin. Jim dies from an overdose and Andre contracts the HIV virus from the needle he used after Jim. Other than using the heroin, did Jim commit a crime before he died?	Y	N	-----
10.	The bartender at Bulldog's Bar and Grill sells Su a double vodka and laughs as she staggers out the door intoxicated with her car keys in hand.	Y	N	-----

HANDOUT #2 - YOU BE THE JUDGE

THE TOBACCO RULE

You are the manager of a medium-size restaurant that attracts families as well as singles. The restaurant has a bar and a disc jockey on Friday and Saturday evenings. The restaurant is relatively open, but has booths around the windows.

As manager you must determine the smoking policy for the restaurant. Your policy must consider:

- smoking cigarettes
- smoking cigars
- smoking pipes
- smoking while waiting to be seated
- smoking while walking to your table (possibly walking through the non-smoking section)
- smoking in the restrooms
- the location of the smoking section in light of the desire of non-smokers not to walk through smoke while entering, exiting or going to the restrooms

The surgeon general has warned that smoking is hazardous. Secondary smoke is alleged to be dangerous as well.

The management must draft a rule that considers and protects the rights of all patrons. The group recorder should write the rule. The reporter should be prepared to read the rule to the class when called upon.

You may want to divide your group so half of the students represent smokers and half non-smokers.

Begin by identifying the criteria for a "good rule."

HANDOUT #3 - YOU BE THE JUDGE
KEY CONCEPTS & VOCABULARY

juvenile	a person who has not yet reached the age of majority; youth
residence hall	a building containing large sleeping rooms for individuals or groups usually without private baths
Reye's Syndrome	often fatal response of young children with measles to aspirin
rule	a prescribed guide for conduct or action; an accepted custom, procedure or habit

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LESSON TWO

Drug Shock- The Effect Of Drugs On Society

LESSON TWO: DRUG SHOCK - THE EFFECT OF DRUGS ON SOCIETY

I. LESSON DESCRIPTION

Students will work in small groups to analyze how drugs and alcohol effect different segments of society. They will draft resolutions to solve the drug and alcohol problems faced in our society. Each group will judge the constitutionality of another group's resolution.

II. OBJECTIVES

1. Students will understand the positive and negative impacts of drugs including alcohol on different facets of society.

2. Students will analyze the interplay of the Bill of Rights and efforts to prosecute drug offenders.

III. KEY CONCEPTS AND VOCABULARY

bail	courts	crime
felony	misdemeanor	violence

IV. STEPS

1. Distribute Handout #1. Ask students to respond to each question by circling the most appropriate response. After everyone has had time to complete the survey discuss one or two questions. Did others agree? Disagree? Were undecided? Discuss the responses and rationales of the students.

2. Make a chart with the following on the blackboard:

Group 1	Group 2	Group 3	Group 4	Group 5	Group 6
Health	Family/ Work	School/ Violence	Crime/ Jails	Courts	Sports

Have students count off from one to six. Assign each group a topic. Once assembled each group should list the positive and negative impact of drugs including alcohol on their particular segment of society after selecting a recorder to record the group's responses, a reporter to explain the group's findings, and a group leader to ensure all members of the group have the opportunity to participate in the discussion. Students who share the same number should assemble in a common area and begin working.

3. Have each reporter share the group's responses with the class. Write the responses

on the blackboard. After each group has reported see if there are any additional impacts caused by alcohol and other drugs to be added to the lists. Discuss the totality of the impact of drugs including alcohol on society based on the factors listed on the blackboard.

4. Ask the students to again work with their groups. Each group should draft as many laws and recommendations as they can think of to solve the drug problem. The group's recorder should write down the laws so others can read them.

5. Distribute Handout #2. Briefly discuss it. Have group 1 pass its recommendations to group 2, group 2 to group 3, 3 to 4, 4 to 5, 5 to 6, and 6 to 1. Inform each group that they are to serve as a special panel of judges convened to consider the constitutionality of the laws and recommendations of the group whose proposals they have just been handed. Each group must determine whether the other group's recommendations violate any of the Constitutional Amendments listed on Handout #2.

6. Have each group reporter state the findings of his or her group. Discuss.

V. GENERAL DISCUSSION

1. Discuss the interplay of the Bill of Rights and efforts to solve the drug problem.

2. Inform students that many exceptions exist to the Amendments, especially Amendment 4. See cases below.

3. Inform students that people often voluntarily give up or waive their rights.

VI. ADDITIONAL ACTIVITIES

1. Pass out STATISTICS, the relevant statistics gathered from the Uniform Crime Report, citing the interplay between drugs/alcohol and crime. See supplement for handout. Discuss.

2. As new cases are in the newspaper, discuss the interplay between governmental efforts to prosecute drug offenders and the Bill of Rights.

3. Invite a local attorney or judge to class to discuss new cases in this area.

VII. RELEVANT LAW

See Handout #2 - AMENDMENTS (details the 4th, 5th, 6th & 8th amendments)

California v. Acevedo, 111 S.Ct. 1982 (1991).
Rule: Police may search any container in a vehicle when probable cause exists to suggest that it contains contraband even if the police lack probable cause to search the entire vehicle absent a warrant.

New Jersey v. T.L.O., 469 U.S. 325 (1985).
Rule: Although the protections of the Fourth Amendment apply to searches conducted by school officials, the standard of reasonableness dictates that the search be justified and reasonably related to the circumstances which justified interference in the first place, the scope being determined by the age and sex of the child and the nature of the infraction.

Zamora v. Pomeroy, 639 F.2d 662 (10th Cir. 1981).
Rule: Where a school and a student share joint control of an assigned locker, the use of police dogs to smell marijuana in the locker does not constitute a violation of the student's Fourth Amendment rights.

HANDOUT #1 - DRUG SHOCK

1. In order to prosecute drug offenders successfully, the police should be given more power to go into the homes of drug dealers without search warrants and search.

   Agree Disagree No opinion

2. My home is a protected place according to the U.S. Constitution and the police have no right to enter without my permission.

   Agree Disagree No opinion

3. I do not do drugs, so if the police want to search my car because they think the trunk contains drugs, they may do so.

   Agree Disagree No opinion

4. The police know the difference between real drug dealers and innocent people.

   Agree Disagree No opinion

5. Criminals get off on too many technicalities and this hinders the police from doing their job effectively.

   Agree Disagree No opinion

6. Some drug dealers are guilty, and everyone that is familiar with the drug dealer's case knows it; therefore, the dealer should not get the right to a lawyer.

   Agree Disagree No opinion

7. Because drug dealers know they have Constitutional rights, they feel they can commit crimes and get off because of these rights.

   Agree Disagree No opinion

8. Drug dealers and drug users should have the same rights and privileges as I have guaranteed under the Constitution.

   Agree Disagree No opinion

HANDOUT #2 - DRUG SHOCK
AMENDMENTS

Fourth Amendment

1. The police may not search you, your house, your personal belongings, or anything you own without first making sure that there is just cause to believe that you have committed a crime or you are committing a crime.

2. The police may not search your home or any other place without first getting permission from a judge to do so (a search warrant).

3. The police must be able to state what they are looking for before the judge grants permission to search.

Fifth Amendment

1. No person can be charged with a serious crime without first having a group of his or her peers agree that enough proof exists to believe the person is guilty of the crime charged.

2. No person can be tried twice for the same crime.

3. No person shall have to testify against him/herself in court in a criminal case.

4. No person can be prosecuted for a crime absent a fair process to judge between facts and lies.

5. The government cannot take a person's private property for use by the government without compensating the person for the property.

Sixth Amendment

1. In every criminal case, the person accused of a crime shall have the right to a speedy, public trial.

2. The person accused of a crime must be told the crime he/she is accused of committing.

3. The person accused of a crime shall have the right to an attorney.

4. The person accused of a crime shall have the right to confront those individual(s) who accuse him/her of a crime.

5. The person accused of a crime shall have the right to call people to testify on his/her behalf.

Eighth Amendment

1. No person shall be required to pay excessively high bail.

2. No extremely high fine can be imposed.

3. No person may be subjected to cruel and unusual punishment.

HANDOUT #3 - DRUG SHOCK
KEY CONCEPTS AND VOCABULARY

bail — an amount of money or property put up for someone to get out of jail while his or her case is pending

crime — a violation of state, federal or agency law

Classification of crimes:

felony: a crime punishable by imprisonment for more than a year.

misdemeanor: an offense less serious than a felony; punished by under one year in jail

courts — a place where legal disputes are settled between the state and individual(s) or between two or more individuals

jail — a state run facility where people not on bail are held prior to trial. It may also be used for housing inmates who have relatively short prison sentences to serve

violence — display of force sometimes resulting in injury

LESSON THREE

The Power Of The Pen

LESSON THREE - THE POWER OF THE PEN

I. LESSON DESCRIPTION

In this lesson students will analyze a fact scenario involving search and seizure issues. Students will prepare a Motion to Suppress Evidence, and then argue the motion at a "motions hearing".

II. OBJECTIVES

1. Students will identify important facts in a search and seizure scenario.
2. Students will use summaries of the law to analyze the facts for a motion that they will present.
3. Students will present an oral argument in favor of or against a motion.

III. KEY CONCEPTS AND VOCABULARY

arraignment	bail	complaint
defendant	defense	Fourth Amendment
grand jury	hearing	*in loco parentis*
magistrate	motion	probable cause
prosecution		

IV. STEPS

1. Distribute Handout #5 - KEY CONCEPTS AND VOCABULARY and review the definitions with students, unless the teacher has already accomplished this.
2. Distribute Handout #1 - CASE SCENARIO to students. Have a student read it aloud while everyone follows along.
3. Ask students to identify the important facts. List them on the board.
4. Distribute Handout #2 - RELEVANT LAW. Have a student read the handout aloud. The presenter should briefly summarize the ruling in each case.
5. Distribute Handout #3 - STEPS IN THE CRIMINAL PROCESS. Explain to students that they will be writing and arguing a motion to suppress the evidence that was found either in Chris' locker or his room. Briefly explain the chart to be sure students understand how this activity fits into the criminal process.
6. Distribute Handout #4 - GROUP INSTRUCTIONS and explain each group's role. Below is a chart listing the assignment for each group. Divide

the class into groups by having the students count off from one to five. Have students with the same number assemble in a designated area. Each group should select one student to record the group's motion and one student to argue the motion in front of the judges.

GROUP	GROUP REPRESENTS	ISSUE
One	Chris Taylor	Suppress evidence obtained in search of computer room.
Two	State/prosecution	Oppose suppression of evidence obtained in search of computer room.
Three	Chris Taylor	Suppress evidence obtained in search of school locker.
Four	State/prosecution	Oppose suppression of evidence obtained in search of school locker.
Five	Judges	Impartial - listen to argument, ask questions and then decide.

7. The judges should conduct the hearing. Make sure they interrupt the "lawyers" with questions.

8. The judges should deliberate upon conclusion of the hearing. The deliberations should be held in front of the class. They must render an opinion. Only the judges may speak during the deliberations.

V. GENERAL DISCUSSION

1. After the hearings, evaluate the students' understanding of the law by asking the following questions:

    a) Do you think the evidence *would* be allowed in a trial? Do you think it *should* be?

    b) Ask students with differing opinions to explain their reasoning.

    c) What are the policy arguments for both sides?

2. Have students evaluate the motions by asking them to:

    a) Explain what impressed them about each group's argument.

    b) Offer constructive criticism on how students might have improved their argument.

i. Decide if they left out an important or relevant fact?

ii. Decide if they forgot to mention the law or explain why the law should be different?

VI. ADDITIONAL ACTIVITIES

1. Bring in a copy of the student handbook or other reference outlining the school's policy on locker searches. Discuss.

2. Have a criminal trial attorney attend the class to offer advice or speak to students about criminal procedure.

3. Arrange a visit at the courthouse to allow students to watch a trial or motions hearing.

4. In *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988), journalism students wrote articles for their school newspaper describing three students' experiences with pregnancy and discussing the impact of divorce on students at the school. The principal censored the articles from the paper. A student challenged the principal's action in court. The Supreme Court concluded that the principal had acted reasonably since educators are entitled to exercise greater control "over school-sponsored publications...and other expressive activities that students, parents and...the public might reasonably perceive to bear the imprimatur of the school."
    a. Discuss freedom of the press in a school setting.
    b. Would it make a difference if students paid for and published the paper off school grounds but distributed it in school?

VII. RELEVANT LAW

See **HANDOUT #2 of this lesson.** Also refer to **HANDOUT #2** in **LESSON 2** for a more detailed summary of the 4th amendment.

HANDOUT #1 - POWER OF THE PEN - CASE SCENARIO

Chris Taylor, the student editor of Bayside High School's newspaper, Riptide, decided that an article interviewing students who used drugs would let the parents and school know what was really happening.

He wrote an article including unidentified student interviews. Chris said that the students' names were on his personal disks, which he kept in his locked computer room at his house. In the article, Chris quoted students who said they knew whom they could buy drugs from in school, students who admitted to alcohol and drug use in school, and students who admitted to selling drugs away from school property.

The school principal, Ms. Cavanaugh, refused to approve the article Chris had written. The paper was printed without it.

Chris, feeling that his First Amendment rights had been violated, spoke to a local reporter who printed a story about Chris's article and the drug problem at Bayside High. The police thought that Chris might be able to help them curb the drug problem at Bayside. They went to Chris's house to talk to him, but he wasn't home. They asked his father if they could search Chris's computer room for any information that could help them. Chris's father gave the police permission to search the room. The police broke the lock on the computer room door to gain access and found Chris's personal disks. By searching the disks, the police discovered that Chris had interviewed himself for the article and admitted to taking drugs.

Meanwhile, in the principal's office, Ms. Cavanaugh asked Chris for the names of the students he interviewed. Chris refused. Ms. Cavanaugh then searched Chris's locker to try to find the computer disks. Inside the locker was a plastic bag containing five amphetamine pills. Chris told Ms. Cavanaugh that they were only prescription diet pills. When Chris told her that he didn't have the prescription, Ms. Cavanaugh confiscated the pills and took Chris back to her office, where she called the police. Chris was arrested for drug possession.

♦ ♦ ♦ ♦

HANDOUT #2 - POWER OF THE PEN - RELEVANT LAW

United States v. Matlock

The case of *United States v. Matlock*, 415 U.S. 164 (1974) involved a man who was arrested in front of the home where he lived. The officers who made the arrest did not ask whether he lived there or whether he would consent to a search. Officers told the woman he lived with that they were looking for money and a gun and asked if they could search the house. The woman consented to the search.

The Supreme Court stated that in order to justify a warrantless search by proof of voluntary consent, it must be shown that the third party who consented to the search "possessed common authority over or other sufficient relationship to the premises or effects sought to be inspected." This "common authority" can be determined by showing that the person who consented to the search enjoys mutual use of the property with the person who is the subject of the search. Furthermore, the persons living on the property must have assumed the risk that one of them might allow the common area to be searched.

■ ■ ■ ■ ■

New Jersey v. T.L.O.

Traditionally, courts have deferred almost entirely to the discretion of school authorities to search students whenever they felt they had cause. This approach to school officials was based on the assumption that schools were "in loco parentis." The Supreme Court addressed the issue of in-school searches for the first time in *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).

In *T.L.O.*, a high school freshman (referred to as T.L.O. because she was a minor at the time) was caught smoking in a bathroom in violation of a school rule. When she denied the charge, the vice principal searched her purse and found cigarettes and rolling papers. Suspecting that the papers might be used for marijuana, the vice principal searched the purse thoroughly and found marijuana, a pipe, plastic bags, a substantial amount of one dollar bills, a list of students and two letters implicating T.L.O. in drug dealing.

The Supreme Court held that school officials can search a student without an official warrant, but they must have a "reasonable, individualized suspicion" that the search will turn up evidence that the student violated either a law or school rule. This means that authorities cannot search every student or search students at random simply because some students are suspected. The search must also be "reasonably related to the object of the search...". Therefore, a general suspicion of possession would not enable a school official to search anywhere that contraband could not possibly be. In T.L.O.'s case, the Court found that the search was reasonable.

■ ■ ■ ■ ■

HANDOUT #3 - POWER OF THE PEN - THE CRIMINAL PROCESS

STEPS		*WHAT HAPPENS*
1.	**crime is committed**	
2.	**suspect is arrested**	
3.	**post arrest investigation**	**♦ witnesses and suspect are interviewed ♦ optional searches &/or lineup occur ♦if investigation provides enough evidence, suspect is charged and a complaint is filed**
4.	**arraignment / first appearance**	**♦ suspect is charged ♦ suspect enters a plea ♦ date is set for preliminary hearing ♦ bail is set**
5.	**preliminary hearing / grand jury review**	**♦ evidence is evaluated by magistrate or grand jury ♦ decision is made by the magistrate or grand jury re: whether or not to proceed with the charge ♦ if there is insufficient evidence the case ends here; if there is sufficient evidence the case proceeds to the next step**
6.	**pre-trial motions**	**♦ most of these motions are challenges to part of the prosecution's case ♦ in a motion to suppress the evidence, the defense seeks to keep evidence from being used in a criminal trial by showing that the evidence was obtained illegally ♦ quite often, if a motion to suppress is granted, there may not be sufficient evidence to proceed with the trial so the case is dismissed**
7.	**trial**	**♦ judge or jury decide upon the guilt of the accused ♦ a finding of not guilty does not mean the accused is guilt free, but that there is not enough evidence to find the person guilty**
8.	**sentencing**	**♦ the judge or jury decide on the sentence to be served ♦ the laws of the jurisdiction decide who sentences and what, if any, sentencing guidelines must be applied**

HANDOUT #4 - POWER OF THE PEN - GROUP INSTRUCTIONS

Groups 1 and 3 will be defense attorneys for Chris and will argue in favor of a motion. Groups 2 and 4 will be prosecuting attorneys for the state and will argue against a motion. Study the legal summaries in HANDOUT #2 and decide which cases support your argument.

In Chris's case, it may seem clear that the law supports one argument more than the other. However, in many "clear cut" cases, attorneys on the 'losing' side have won by convincing judges that the law should be on their side or the result will be unfair. If the law appears to be against you, you cannot change your facts to fit the law. Instead, you must explain how the facts in your case are different and convince the judge that there should be a different result.

MOTION #1 - EVIDENCE FOUND IN COMPUTER ROOM

GROUP 1

This group acts as Chris's lawyers and will make a motion to suppress the evidence found on the computer disks in Chris's computer room. You will argue that this was an unlawful search and seizure because Chris's father did not have the authority to give permission for the police to enter Chris's room.

GROUP 2

This group acts as the prosecuting attorneys and will oppose the motion to suppress the evidence found in Chris's computer room. You will argue that Chris's father does have the authority to allow a search.

MOTION #2 - EVIDENCE FOUND IN LOCKER

GROUP 3

This group acts as Chris's lawyers and makes the motion to suppress the evidence of the amphetamines found in Chris's locker. You will argue that the principal had no cause to search Chris's locker.

GROUP 4

This group will be the prosecuting attorneys and will oppose the motion to suppress the evidence found in Chris's locker. You will argue that the principal needs no cause to search a student's locker.

JUDGES - GROUP 5

This group should study and become very familiar with the case law. You can probably anticipate what each side might say in arguing or opposing the motion. Based on the anticipated arguments, prepare questions to ask the "lawyers".

continued on next page

MOTION #1

Sample questions to ask defense and prosecuting attorneys:

- How are the facts in this case different from those in *United States v. Matlock*? How are they the same?
- Why should we grant the result you seek?

MOTION #2

Sample questions to ask defense and prosecuting attorneys:

- How are the facts in this case different from those in *New Jersey v. T.L.O.*? How are they the same?
- Why should we grant the result you seek?

THE HEARING...

1. Group 5 will choose one member to act as timekeeper.

2. For each motion, the defense will present their argument first, and the prosecution will follow.

3. Each lawyer begins by saying...

   "Good morning/afternoon your Honor(s), may it please the court, my name is _ _____, and I represent _____ (Chris Taylor or the State) in the matter before the court today.

   Your Honor(s), the evidence obtained in the (computer room/locker) search in this case was/was not obtained through an illegal search and should/should not be used as evidence in this case."

   Each lawyer then proceeds with his or her argument, using the case summaries to support it. The lawyers should be prepared to state the relevant facts.

4. After the lawyer has given his or her opening speech and has started his or her argument, the judges may interrupt at any time to ask questions. The argument, including questions, may last up to ten minutes. After ten minutes have passed, or the lawyer has finished presenting his or her argument, the lawyer will conclude by saying...

   "Your Honor, if there are no further questions, the (defense/ state) asks that you (allow/do not allow) this evidence to be presented in this case. Thank you."

HANDOUT #5 - POWER OF THE PEN - KEY CONCEPTS AND VOCABULARY

arraignment	procedure whereby defendant pleads guilty or not guilty to the charge against him or her
bail	a condition agreed to or monetary amount given in exchange for release from custody
complaint	a statement setting forth the charge against the defendant
defendant	the accused in a criminal case; the person against whom the complaint is filed
defense attorney	one who offers and alleges reasons in law or fact why the person being accused is innocent
grand jury	a group of people whose duty it is to determine whether probable cause exists that a crime has been committed.
fourth amendment	guarantees people the right to be free from searches and seizures conducted without probable cause or without a warrant being issued describing the place to be searched and the person(s) or thing(s) to be seized
hearing	a proceeding less formal than a trial but with definite issues of fact or law to be tried
in loco parentis	traditional idea that the schools assume the status and responsibilities of a parent
magistrate	a judicial officer having many, but not all, powers of a judge
motion	a request that a judge make a ruling or take some other action
probable cause	reasonable grounds, known personally or through reliable sources, to believe that a person has committed a crime
prosecutor	an attorney for the government who prosecutes those who commit a crime against the state

LESSON FOUR

Distinguishing Drugs

LESSON FOUR: DISTINGUISHING DRUGS

I. LESSON DESCRIPTION

Students will decide whether or not a variety of substances are "drugs." They will learn how drugs are scheduled. Then they will be divided into small groups to make their own decisions about scheduling drugs.

II. OBJECTIVES

1. Students will understand the factors that drug enforcement agencies take into account when scheduling drugs and the significance of the classification.

2. Students will understand the relationship between drug scheduling and penalties for possession of drugs.

3. Students will be able to assess the dangerousness of drugs based on the drug's schedule/classification.

III. KEY CONCEPTS & VOCABULARY

addict	amphetamines	angel dust
antispasmodic	barbiturates	cocaine
crack	drug	drug control
hallucinogenic	heroin	marijuana
monosodium-glutamate	narcotic	nitrate
opium	PCP	placebo
schedule	smack	steroids
sugar pill	thorazine	

IV. STEPS

1. Distribute Handout #1 - SUBSTANCE LIST. Ask students to identify which, if any, of the substances are drugs.

2. Select 10 or more terms (depending on the time and level of enthusiasm) from Handout #1 - SUBSTANCE LIST. Ask for volunteers to explain why they think the substance is or is not a drug.

   At the conclusion of this exercise, **make sure the students are aware that <u>everything</u> on the list can be considered a drug.**

A *drug* is defined as a substance that may cause physical or psychological dependence. Some of the substances we use everyday have the potential to become drugs.

3. Distribute Handout #2 - LEGAL INFORMATION ON DRUG SCHEDULING. This handout explains why and how drugs are scheduled. Discuss the handout. Highlight the three main scheduling factors enumerated in the handout.

4. Distribute Handout #3 - DRUG SCHEDULING. Explain to students that they will be divided into groups and that each group will act as members of the state legislature serving on a subcommittee. In their subcommittee meeting they must decide how to schedule two drugs. They must also decide the penalty for possessing the drug.

   Make sure the students use the following factors mentioned in Handout #2 to guide their analysis:

   a. the high potential for abuse,
   b. the lack of accepted medical use in treatment of human patients in the United States, and
   c. the lack of an accepted safety level for use in treatment under medical supervision.

5. Have students count off from one to six. All students who share the same number should assemble in a common area. Each group will be responsible for scheduling the two drugs that correspond to their group number as listed on Handout #3. Each group should have a recorder to write down student responses, a reporter to act as the spokesperson for the group and a group leader to ensure all members of the group have the opportunity to participate in the discussion. The groups should work together for approximately 10 minutes.

6. Have each group report its findings and list the factors the group considered in determining the schedule classification. After each spokesperson has reported his or her group's recommended findings, go over the Federal schedule and penalties developed for the drugs being discussed. See Supplement. Compare the results. Discuss whether the federal schedule is appropriate and whether the penalties appear too harsh or too lenient.

V. GENERAL DISCUSSION

Ask students how they would respond to the following if they were members of the state legislature:

1. Should the use of tobacco products be regulated? Why or why not?
2. Should the use of marijuana be legalized? Why or why not? Should it be legalized for use as a pain reliever for cancer and AIDS patients?
3. Should the legal drinking age of 21 be lowered? Why or why not?
4. Should teenagers caught driving under the influence be treated any differently from adults?

VI. ADDITIONAL ACTIVITIES

1. Discuss with students the following holding in *Harmelin v. Michigan,* 111 S. Ct. 2680 (1991):

   The Supreme Court ruled that it was not cruel and unusual punishment to sentence a defendant to life in prison without the possibility of parole for possessing more than 650 grams of cocaine.

2. Discuss the following questions:

   In *Harmelin v. Michigan* is the punishment disproportionate to the crime?

   Do you think this type of scheduling violates the cruel and unusual clause of the Eighth Amendment?

VII. RELEVANT LAW

These cites are provided for the presenter's information.

21 U.S.C.A. § 801 (West 1981)--Congressional Findings.
21 U.S.C.A. § 301 (West 1981)--Federal Food, Drug, and Cosmetic Act.

Eighth Amendment

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Most states have codified the Federal Food, Drug, and Cosmetic Act into their own state laws.

See Supplement for state specific law.

HANDOUT #1 - DISTINGUISHING DRUGS - SUBSTANCE LIST

CIRCLE THE ITEMS ON THE LIST WHICH YOU THINK ARE DRUGS? GUESS, IF YOU ARE NOT SURE.

Ultra Slim Fast	steroids	caffeine
heroin	Tylenol	Ex-Lax
thorazine	Geritol	Pepto Bismol
Correctol	amphetamines	Visine
No Doz	smack	Kaopectate
marijuana	PCP	Angel Dust
barbiturates	sugar pill	

HANDOUT #2 - DISTINGUISHING DRUGS
LEGAL INFORMATION ON DRUG SCHEDULING

Drugs are organized into five categories. These categories are called "schedules". A schedule (1) drug like PCP cannot be distributed to the public because of the potential for abuse and other factors such as safety which cannot be guaranteed. Schedule (5) drugs like aspirin are available to the public because they are useful in medical treatments. Some drugs fit into more than one schedule.

Drugs are scheduled according to the different factors the U.S. Food and Drug Administration (FDA), the State Department of Health (SDH) and other agencies take into account. The three main factors that the above agencies take into account are:

1. **the high likelihood of abuse;**
2. **the lack of accepted medical use in treatment of human patients in the United States; and**
3. **the lack of reasonable safety standards.**

Violations of drug scheduling laws have a range of different penalties depending on the nature of the offense. However, one general rule can be surmised from the statute (21 U.S.C.A. § 841). Low schedule numbers like 1, 2, and 3 translate into **severe** penalties and higher schedule numbers like 4 and 5 translate into relatively **light** penalties.

HANDOUT #3 - DISTINGUISHING DRUGS

Directions: Each group must decide how to schedule the two substances assigned to the group and determine the penalty to be imposed for possession and use of each substance.

GROUP 1
heroin
beer

GROUP 2
vodka
nitrate

GROUP 3
amphetamines
caffeine

GROUP 4
marijuana
crack

GROUP 5
scotch
monosodium-glutamate (also called MSG)

GROUP 6
cocaine
glue

Drug Schedule	Potential for Abuse?	Has accepted medical use?	Causes dependency?
Schedule 1	VERY HIGH	NO	YES, DRUG HAS NO SAFETY LEVEL
Schedule 2	HIGH	YES, WITH RESTRICTIONS	YES, ABUSE MAY LEAD TO SEVERE DEPENDENCE
Schedule 3	LOWER	YES	YES, ABUSE MAY LEAD TO MODERATE /LOW DEPENDENCE
Schedule 4	LOWER	YES	YES, ABUSE MAY LEAD TO LIMITED DEPENDENCE
Schedule 5	LOWEST	YES	YES, ABUSE MAY LEAD TO VERY LIMITED DEPENDENCE
Drugs not scheduled[1]	LOWEST	YES	DEPENDENCE NOT LIKELY ABSENT SEVERE ABUSE

Some drugs may fit into more than one schedule. The decision is made by the legislature. Chart based on 21 U.S.C.A § 812 (West 1981).

See supplement for drug schedules.

[1] Some drugs are not scheduled at all. This decision is made by the legislature and can change.

HANDOUT #4 - DISTINGUISHING DRUGS
KEY CONCEPTS AND VOCABULARY

addict	one who is physiologically or psychologically dependant upon the use of a drug
amphetamines	drugs that cause excitability and stimulate the central nervous system
angel dust	drug that causes hallucinations; a street name for phencyclidine or PCP
antispasmodic	capable of relieving or preventing spasms or convulsions
barbiturates	depressant, sedative, hypnotic or antispasmodic drugs
cocaine	obtained from coca leaves; used as a local anesthetic, can result in psychological dependence, and in large doses produces intoxication
crack	derivative of cocaine; high intensity stimulant; highly addictive
drug	a substance that may cause physical or psychological dependence
drug control	another term used for drug scheduling and the process of outlawing certain drugs
hallucinogenic	causing a perception of objects with no reality, usually arising from disorder of the nervous system or in response to drugs (such as LSD)
heroin	a strongly addictive narcotic; derivative of morphine
marijuana	dried leaves and flowering tops of the hemp plant
monosodium -glutamate (MSG)	a white powder used to intensify the flavor of foods
narcotic	drug that induces mental slowness and depresses the central nervous system
nitrate	food additive; type of salt
opium	an addictive narcotic drug that consists of the dried juice of the opium poppy
PCP	hallucinogenic drug; short for phencyclidine
placebo	a medication prescribed more for the mental relief of the patient than for its actual effect on a disorder; an inert or innocuous substance used especially in controlled experiments testing the efficacy of another substance as a drug

schedule	the process of setting guidelines for the use, distribution and possession of drugs
smack	another word for heroin
steroids	hormone taken orally or intravenously for medicinal purposes; can be used illegally to develop muscle tissue; causes liver damage and extreme aggressive behavior
sugar pill	a pill made entirely of sugar that has no medicinal value; a pill that induces a placebo effect
thorazine	central nervous system depressant; employed as a sedative

LESSON FIVE

The Price Of Drugs

LESSON FIVE: THE PRICE OF DRUGS

I. LESSON DESCRIPTION

Students will exchange ideas concerning factors to bear in mind when sentencing drug offenders. Students will work in groups to draft sentencing legislation taking these factors into account. They will also discuss the purposes of incarceration and critique sentencing alternatives.

II. OBJECTIVES

1. Students will identify and evaluate the factors influencing a decision to incarcerate.

2. Students will draft legislation to set penalties for certain drug possession offenses.

3. Students will develop and extend their understanding of traditional and non-traditional sentencing procedures.

III. KEY CONCEPTS AND VOCABULARY

cocaine	codeine	deterrence
grams	heroin	incarcerate
jail	kilogram	loiter
marijuana	methamphetamine	milligrams
prison	reform	rehabilitate
restitution	retribution	sentencing authority
vagrant		

IV. STEPS

1. Review Handout #3 - KEY CONCEPTS and VOCABULARY, unless this has already been accomplished by the teacher.

2. Ask students to identify the factors a judge should consider when sentencing drug offenders and to state why each factor should be considered. List the responses on the board.

   Some possible factors include past criminal history, past drug treatment, past traffic record, employment record, attitude, age, parole or probation record, family history, socioeconomic background, marital status and the number of children the offender supports.

3. Tell students they will serve as members of the legislature responsible for drafting penalties for drug offenses. They will be broken into small groups and assigned an offense for which they must draft the penalty.

   Remind students that the *Eighth Amendment* prohibits the infliction of cruel and unusual punishment.

   Each group should select a recorder to take notes on the group's progress, a reporter to report the group's conclusions to the class, and a group leader to ensure all members of the group have an opportunity to participate in the group's discussion.

4. Have students count off from one to five. Place students sharing the same number in the same group. Designate areas of the room where each group should meet and begin working.

5. Distribute Handout #1. Direct each group to work on the scenario corresponding to its group number.

6. After all the groups have drafted the appropriate legislation, have the group's reporter read their proposed statute aloud. Ask the reporter why the group selected this penalty. Have students vote on the proposed statutes as government officials would after a short debate period.

7. Share with the students the current state and federal penalties (see supplement) covering each of the offenses. How does state and federal law match up with the penalties imposed by the student legislators?

8. Have students suggest reasons why offenders are sentenced to time in jail or prison. What are some of the objectives of incarceration?

   Answers might include: restitution, reform, rehabilitation, punishment, whether the individual is a danger to the community, the cost to get vagrants/loiters off the street, retribution and deterrence.

9. Distribute Handout #2 - ALTERNATIVES TO STRICT INCARCERATION, which lists several sentencing alternatives. With students remaining in the groups they were previously in, each group should list the strengths, weaknesses and purposes of the alternatives to incarceration.

10. Have the reporter for each group state the conclusions of his or her group. Discuss.

V. GENERAL DISCUSSION

1. Answer the following questions:
   - Do we need harsher or more lenient penalties for drug offenders?
   - What can be done to solve the drug crisis in America?
   - Should the objectives of youth/adolescent sentencing be the same as they

are for adults?

- Are mandatory minimum sentences for drug offenders overcrowding jails and forcing the early release of violent criminals?

2. Respond to the following statements:

- Race plays an important role when sentencing authorities consider the appropriate penalty for offenders.
- Women are treated more leniently by the criminal justice system than are men.
- Youth offenders should be sentenced like adults and placed in jails and prisons with adults.
- Overcrowding is one of the major problems facing prisons today.
- Society is better off with serious offenders behind bars.
- The real cause of criminality is the poor economic status of the offender.
- Women commit far fewer crimes than men.
- Teens should not be responsible for the crimes they commit because they are too young.

VI. ADDITIONAL ACTIVITIES

1. Discuss the implications that economics, race, age and sex may play in sentencing.

2. Invite guest speakers in to discuss the Federal Sentencing Guidelines. Speakers might include a representative of the Federal Sentencing Commission, a U.S. Attorney, judge, member of the state sentencing commission, a probation officer or a police officer.

VII. RELEVANT LAW

Eighth Amendment

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

See Supplement for additional information.

Handout #1 - THE PRICE OF DRUGS

Directions: Each group will contend with the offense corresponding to its group number. As members of the legislature each group must draft a law setting out the penalty for the offense specified. The legislation should be brief and clearly stated.

Group 1: 1st offense possession with intent to distribute 5 kilograms of cocaine.

Group 2: 1st offense possession of 1 kilogram or more of a mixture or substance containing a small but detectable amount of heroin.

Group 3: 1st offense possession of 200 milligrams of codeine.

Group 4: 2nd offense possession of 50 kilograms of marijuana.

Group 5: 3rd offense possession of 100 grams of methamphetamine.

The following is to aid in determining the quantity of the above listed substances at issue:

METRIC UNIT	APPROXIMATE U.S. EQUIVALENT
kilogram	2.2046 pounds
hectogram	3.527 ounces
dekagram	0.353 ounce
gram	0.035 ounce
decigram	1.543 grains
centigram	0.154 grain
milligram	0.015 grain

HANDOUT #2 - THE PRICE OF DRUGS
Alternatives to Strict Incarceration

GROUP 1

Weekend Intervention Program (WIP) - First and second DWI (driving while intoxicated) offenders are given the option of conviction and sentence or a three-day program of intensive therapy and alcohol education.

Probation - A sentence not involving confinement that imposes rules on the offender. The court retains the power to modify the terms and/or the probation itself if the offender violates the conditions of his or her probation.

GROUP 2

Suspended Sentence - A court decision of a fine or confinement where the penalty is suspended if the offender dedicates himself or herself to good behavior for the mandated period.

Restitution - This penalty requires offenders to compensate their victims for damages or stolen property (monetary restitution), or to donate their time to community service (community service restitution).

GROUP 3

Shock Probation - This penalty allows a judge to incarcerate an offender for a brief part of the sentence, suspend the remainder, and place him or her on probation. This is also called a mixed or split sentence.

Home Furlough - This penalty gives the offenders a short leave of absence from jail or prison, where they are granted the privilege of leaving the correctional facility for a few hours or days to maintain family ties, seek employment, or attend vocational or educational training.

GROUP 4

Work Release - Inmates are permitted to work for pay in the community at large, but must spend their nonworking hours at a correctional facility.

Free Venture - Businesses are set up within the prison by private business owners and inmates are hired at free-market wages to produce goods.

GROUP 5

Halfway Houses - Inmates live in a minimum security facility, maintain employment outside of the facility during working hours and return at night. This is usually used for inmates who are nearing the completion of their sentence.

Electronic Home Monitor - Defendants serve sentences at home, instead of jail. They are electronically wired to a remote device that allows the corrections officer to know exactly where the defendant is at all times.

HANDOUT #3 - THE PRICE OF DRUGS
KEY CONCEPTS AND VOCABULARY

cocaine	a stimulant processed from coco leaves; sometimes used as a local anesthetic
codeine	a white, crystalline slightly bitter alkaloid taken from opium and used as a pain reliever
criminal justice system	the entire system of justice that concerns itself with criminal investigations, prosecution, defense, judgment, sentencing and post conviction relief
deterrence	the act or process of discouraging or preventing from acting; two types of deterrence: *general deterrence*: attempts to deter society by making an example of the one punished; *specific deterrence*: attempts to deter the offender from committing any more crimes
grams	a metric unit of mass and weight equal to 1/1000 kilogram and nearly equal to one cubic centimeter of water at its maximum density
heroin	a strongly addictive narcotic; derivative of morphine
incarcerate	to put in prison; to subject to confinement
jail	a building for the confinement of persons held in lawful custody; usually houses offenders who have committed petty offenses with punishment of a year or less; also houses pretrial detainees
kilograms	1000 grams
loiter	linger aimlessly; purposeless passing
marijuana	dried leaves and flowering tops of the hemp plant
methamphetamine	a central nervous system stimulate; a mood elevator
milligrams	0.001 gram
prison	an institution for the imprisonment of persons convicted of serious crimes
reform	to improve or amend

rehabilitate	to restore to a former capacity; to aid the offender to amend his or her bad habits and become a productive member of society
restitution	restoration of something to the rightful owner; the offender pays the victim or society for the harm caused
retribution	something given or exacted in recompense, especially punishment
sentencing authority	the individual or office responsible for determining the sentence of the offender
vagrant	one who has no established residence and wanders idly from place to place without lawful or visible means of support

LESSON SIX

Trial Preparation

LESSON SIX: TRIAL PREPARATION

I. LESSON DESCRIPTION

This lesson is the first in the mock trial unit. Students will analyze witness statements describing an alcohol related incident. Next, they will act as prosecuting attorneys or defense attorneys and prepare either an opening and closing statement or direct and cross examination questions for the mock trial.

II. OBJECTIVES

1. Students will understand their state's laws regarding driving under the influence of drugs/alcohol.

2. Students will analyze facts in relation to these laws and draw conclusions.

3. Students will prepare for the steps in a formal trial.

III. KEY CONCEPTS AND VOCABULARY

blood alcohol count	credibility	cross examination
direct examination	field sobriety tests	implied consent

IV. STEPS

1. Review Handout #4 - KEY CONCEPTS AND VOCABULARY unless this has already been accomplished by the teacher.

2. Have students answer the questions on Handout #1 - KNOWLEDGE ASSESSMENT. See supplement for answer key and your state law.

    a. Were students surprised by their individual results?
    b. Were there some facts that, in general, most students knew?
    c. Were any penalties too harsh? too lenient?

3. Distribute Handout #2 - STATEMENTS. Have students read the statement of the accused and of the arresting officer.

4. Have students count off from 1 to 4. All students sharing the same number will be in a group. Groups 1 & 2 will be defense attorneys. Groups 3 & 4 will be prosecuting attorneys. Have students assemble in their groups <u>only after all directions have been explained</u>. Both groups of defense attorneys (1&2) should consult at some point to ensure they approach the trial in the same manner. Both groups of prosecutors (3&4) should do the same.

    Below is a chart of the groups, the client each group represents and the best potential witnesses for the group (you might put this on the board so students know what they have to do):

GROUP	GROUP REPRESENTS	GROUP'S DUTY	BEST POTENTIAL WITNESS(ES)
One	Pat Kyd	opening/closing	Pat Kyd* Jamie Johnson
Two	Pat Kyd	witness examination	N/A
Three	State	opening/closing	Officer Rodriguez Jamie Johnson
Four	State	witness examination	N/A

* Remember, the Fifth Amendment states that no one must testify against himself. Pat Kyd need not testify in this trial. Rather, it is the state's responsibility to prove the guilt of Pat Kyd. The defense must decide whether or not it will improve the chance for a not guilty verdict if Pat Kyd testifies.

5. Distribute Handout #3 - GUIDELINES to each group. Review the handout.

6. Groups 1 & 3 should each choose one student to deliver their opening argument and one to deliver their closing statement. Groups 2 & 4 should each choose one student to serve as their witness, one student to question their witness on direct examination and one student to cross examine their opponent's witness.[2] The names of the individuals involved in the trial are such that each can be played by either a male or female. Make sure everyone in the room knows the gender of the defendant however, so his/her girlfriend/boyfriend will be selected accordingly. One student from any one of the groups can be Jamie Johnson. Jamie should work with neither side but be available to all sides. Jamie can remember only the contents of the statement. Opening and closing arguments should be 4 minutes each. Witness examinations should be no more than 5 minutes each for direct and cross examination.

7. Students should now assemble in groups and work on their presentations. If possible four classroom resource persons would be ideal here so that one could assist each group prepare for the upcoming trial.

8. Students should be encouraged to play their roles at the trial and bring in props.

V. GENERAL DISCUSSION

If time permits students should discuss the following questions in their groups:

1. What is likely to happen to Pat's privilege to drive if s/he is found guilty?

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[2] The roles taken on by individual students will continue for the mock trial in lesson 7. Those students who do not yet have specific roles will serve either as the judge, the bailiff or members of the jury.

2. Should Pat lose her/his license for any amount of time even if s/he was not found guilty of driving while intoxicated? Why or why not?

3. What do you think the law should be in this case?

4. Would your position change if:

   a) Pat had previously been convicted of DWI?
   b) Pat had been high from smoking pot rather than drinking alcohol?

VI. ADDITIONAL ACTIVITIES

- Plan a visit to a local traffic court or meet with a traffic court judge;
- Invite an attorney familiar with the law related to driving while intoxicated to speak to the class about his/her experiences in court;
- Distribute copies of your state's driver's license application or form in which applicant agrees to take a breathalyzer test if requested to do so by police;
- Have a representative from SADD (students against drunk driving) or MADD (mothers against drunk driving) visit the class to discuss that group's initiative in the community.

V. RELEVANT LAW

See handouts and supplement.

HANDOUT #1 - TRIAL PREPARATION
KNOWLEDGE ASSESSMENT

Answer the following questions to the best of your ability. You will not be graded on this, nor will you have to show anyone your responses. This is merely for you to determine how much you know about laws in your state.

1. *What does DWI stand for?*

2. *What does DUI stand for?*

3. *In terms of penalties, is being convicted of DWI more serious than being convicted of DUI?*

4. *What are the penalties for being convicted of DWI? DUI?*

5. *What is the penalty for refusing to submit to a breathalyzer test upon a police officer's reasonable request?*

6. *What must a person's blood alcohol content (BAC) be before he/she is legally intoxicated?*

7. *The legal limit for blood alcohol content is lower for persons under the legal drinking age of 21. TRUE or FALSE?*

8. *An open container of alcohol can be in your car if you are 21 or over. TRUE or FALSE?*

HANDOUT #2 - TRIAL PREPARATION
STATEMENT OF PAT KYD

My name is Pat Kyd, social security number 23x-89-xyz1. I live at 34 West Kenville Place. I am 17 years old and was born on August 20. I am a senior at Central High School in (name of city and state).

On Friday night, October 16, my friend, Jamie and I went out. I went to Jamie's house at about 8:30 pm. We talked with Jamie's parents for a few minutes. Then we went to our friend Jan's house. Jan's parents were out of town for the weekend so she had a party. It wasn't a huge party, there were only about thirty people or so there.

We got to the party between 9:15 and 9:30 pm. We drank beer out of plastic cups. I can't remember for sure how many cups I drank. I didn't drink a whole lot--I don't really like beer all that much. I think I probably had four or five beers the whole time we were there. I talked with a lot of my friends at the party, and I played some video games downstairs. There were chips and snacks at the party.

Jamie and I both had to be home by 12:30 am. We left between 11:30 and 11:45 pm. On the way out of the party, one of my friends handed Jamie a can of beer. As we got to the car Jamie opened it. I drank part of it, then gave it to Jamie to hold. Jamie held it while I drove. We drove around for a while. Then we noticed the time and started for home. I turned right from Broad onto Lincoln to take Jamie home. I noticed a police car was behind us. The officer turned on the car's blue lights and pulled me over.

Officer Rodriguez came up to the car and shined a flashlight inside. The officer asked us where we were going. I said, "home." The light went into the back seat, and I think Officer Rodriguez saw the beer can. The officer took the can later, when we left. Officer Rodriguez asked me for my license. I handed my license to Officer Rodriguez after I found it in my wallet. I was then told to get out of the car.

When I got out, Officer Rodriguez asked me if I had been drinking. I said, "not really." Then the officer asked me to tip my head up, close my eyes, and count backwards from 20 to 0. I did. Next, I had to stand behind the car, and balance my right foot six inches above the bumper. I did, but the gravel on the side of the road was loose, and my foot slid in it. I lost my balance. Also, Officer Rodriguez asked me to walk a straight line, and I had trouble, but that was because of the gravel, too.

The officer told me I was under arrest for DWI, open bottle, and possession and consumption of beer while a minor. Jamie and I had to get in the back seat of the police car and go to the station. I told Officer Rodriguez we had to be home by 12:30 am. Officer Rodriguez said we would have to come down to the station and that we could call our parents from there.

At the station, I had to take a breathalyzer test. Officer Rodriguez gave me the test. I blew into the machine twice. I'm not sure what the readings were. I was pretty scared.

♦ ♦ ♦

STATEMENT OF OFFICER RODRIGUEZ

On the evening of Friday, October 16, I was driving my usual beat in (name of city). Traveling west on Broad, I noticed a car driving somewhat erratically. The car was traveling slowly, and drifted slightly in the lane. When the driver turned south onto Lincoln, the turn signal was not engaged until halfway through the turn. The driver also over-corrected coming out of the turn. I decided to stop the car. I turned on my lights.

Upon parking behind the car, I noticed two occupants in the front seat. I approached the car. I carried a flashlight with me. The driver rolled down the window as I approached the car.

The occupants were both young, one male, one female. I estimated their ages to be 18-19. I visually inspected the car, and observed a beer can in the back seat. I later seized the beer can as possible evidence. I asked the driver the car's destination. The driver was taking the passenger home. The driver smelled of alcohol, and had glassy, red eyes. The driver's speech seemed a bit slow.

I asked the driver for his/ her driver's license and registration. The driver was Pat Kyd of 34 West Kenville Place. I noted the driver's age to be 17. I later learned the passenger was Jamie Johnson of 16 Charles Circle, also 17. I asked the driver to step out of the car.

When the driver stepped outside, I noticed he/she appeared very nervous. I requested the driver to perform some standard field sobriety tests. Two tests were adequately performed, but two were failed. While the driver could touch his/her nose and count backwards, he/she failed both balance tests. He/she could not walk a straight line, and could not balance his/her foot above the rear bumper of the car.

I asked if the driver had been drinking. The reply was "not really." I then placed the driver under arrest, read the Miranda rights, and asked both the driver and the passenger to get into the squad car to accompany me to the station. The driver protested that both must be home by 12:30 am. That was about the time I asked them to get in the squad car. I informed them they would have to come down to the station, where they could call their parents.

At the station, I administered a standard breathalyzer test to the driver. I administered two separate tests. Each time the registered blood alcohol content was 0.08. I also spoke to the passenger, Jamie Johnson, who told me of a house party the two had attended that evening, and that Pat Kyd had been drinking at the party.

The two called their parents. The driver was booked for driving while under the influence, driving with an open container, and possession and consumption of alcohol while a minor. The passenger was not charged. Jamie Johnson was released to Edward Johnson, father. The driver was detained overnight.

♦ ♦ ♦ ♦

STATEMENT OF JAMIE JOHNSON

My name is Jamie Johnson, social security number 39y-95-abc5. I live at 16 Charles Circle with my parents and little sister. I turned 17 on February 25.

On October 16, Pat came by around 8:45 pm. We spoke to my parents and headed to a party at Jan Kellog's house. We got there just as everyone was arriving.

I've been out with Pat only a few (2-3) times. We hung out for a while, but we both were talking to our own friends. I spent most of the time downstairs near the video games because people upstairs were drinking beer and the smell of it makes me sick. I don't drink.

Around 11:30 pm Pat and I left. Pat had a can of beer in his/her hand as we walked to the car. When we got to the car the can was still pretty full, but rather than hold it I spilled the beer out, because of the smell. I put the can in the back seat. I was really tired, but Pat and I drove around listening to music for a little while.

I don't remember if Pat was drinking beer at the party or how much. Like I said, we did not stay together at the party. I didn't think Pat was drunk when we left. People still at the party were definitely drunk, so I was glad to be leaving with Pat.

When we got close to my house and I was almost asleep Pat commented that the police were behind us with flashing lights. I sort of woke up. The officer spoke to Pat. Pat gave the officer some papers, probably a driver's license, registration, etc., but I am not sure. Then Pat got out of the car and spoke to the officer. The next thing I remember was the officer telling me we were going to the station where I could call my parents to take me home. Now I was awake and really scared. I've never gotten into this kind of trouble before. My dad will ground me for the rest of the year.

♦ ♦ ♦ ♦

HANDOUT #3 - TRIAL PREPARATION
GROUP GUIDELINES

GROUPS 1 & 3:

Each group will prepare both an **opening statement** and a **closing statement**. The content will vary depending on the side you represent.

An **opening statement** is an introductory statement made at the start of a trial by lawyers for each side. They explain the version of the facts best supporting their side of the case, how these facts will be proved, and how they think the law applies to the case. An **opening statement** might begin like this:

> "Your Honor, the defense/state will prove that on October 16, Pat Kyd was/was not guilty of (insert offenses here) in violation of the laws of (name of state)."

A **closing statement** is made at the end of a trial after each side has presented its case. The lawyers for each side summarize the evidence that they think they have established and the evidence that they think the other side has failed to establish. A **closing statement** may include statements such as these:

> "The defense/state has proven that Pat Kyd did/did not (insert offenses here)." (Briefly state the facts that support your position).
>
> "The defense/state has attempted to prove..." (explain what the other side's case is and then go through each element and explain why the other side is wrong).

♦ ♦ ♦ ♦

GROUPS 2 & 4:

Each group will prepare questions for **direct examination** of their side's witness and questions for **cross examination** of the other side's witness.

On **direct examination**, the side that called the witness will ask questions designed to explain the version of the facts best supporting their side of the case. The other side will then have an opportunity for **cross examination** when they will ask questions attempting to cast doubt upon the witness' statements or credibility. Sample questions on **direct examination** might be:

Defense:

- Questions that will establish his/her character/personality: age, name of school, grade, extracurricular activities.
- Pat's version of the story: What did you do? What time? How did you get there? Was there alcohol at the party? Did you drink? How much? Why were you stopped? What happened after you were stopped?
- Questions that will explain the situation from Pat's point of view: How were you feeling? Has anything like this ever happened to you before?

Prosecution:

- Ask questions that will establish the credibility of Officer Rodriguez: How long have you been a police officer? What is your position? What type of training did you receive? What are your duties?
- Ask The Officer to tell his/her version of the story: What time was it? Where were you patrolling? Why did you notice this car? In what fashion did you approach the vehicle? Can you point out the driver in the courtroom today? What did you do after you stopped the car? What tests did you perform?
- Ask questions that will indicate Pat's condition: What were the results of each test? What did these results indicate about his/her condition? Introduce the can as evidence and ask where it was in the car, and whether it was open or closed.

On **cross examination**, each side will want to ask questions that establish a different conclusion than the other side attempted to establish. **Leading questions** are permitted on **cross examination**. Leading questions suggest the answer rather than evoke a narrative, as **direct questions** do.

- Example of a direct question: Officer Rodriguez, can you please tell us what happened on the evening of (date)?

- Example of a leading question: Officer Rodriguez, isn't it true that you were not sure whether Pat Kyd was drunk when you pulled the car?

♦ ♦ ♦ ♦

Both the prosecution and defense attorneys must decide if they want to call Jamie Johnson and/or if Jamie is called by the other side what, if anything, they will ask on cross examination.

Students should practice at home before the next lesson.

HANDOUT #4 - TRIAL PREPARATION
KEY CONCEPTS & VOCABULARY

blood alcohol count	refers to the standard measure for legal intoxication under state DWI laws
credibility	that quality in a witness which renders his or her evidence worthy of belief
cross examination	questioning a witness called by the other side after the other side has questioned the witness; the object is to follow up questions already asked and to poke holes in the other side's case by pointing out inconsistencies
direct examination	questioning a witness you call to the stand to bring out facts you want the judge or jury to hear. You cannot lead the witness, but rather must ask questions that will allow the witness to respond with information about the case
field sobriety tests	physical acts which are designed to test a person's coordination for the purpose of determining intoxication
implied consent	acceptance of a driver's license means that you consent to submit to a breathalyzer test if pulled over and asked by police; driving is a privilege granted by the state, not a right, and thus can be limited

LESSON SEVEN

The Trial

LESSON SEVEN: THE TRIAL

I. LESSON DESCRIPTION

This lesson is the second in the mock trial unit. Students will role play attorneys, the accused, the arresting officer, judges, the bailiff and members of the jury in a mock trial where a minor is arrested for operating a vehicle while intoxicated and for possessing alcohol, among other charges.

II. OBJECTIVES

1. Students will become familiar with the trial process by conducting a mock trial.

2. Students will increase their knowledge about their state's drug, alcohol and motor vehicle laws.

III. KEY CONCEPTS AND VOCABULARY

bailiff deliberation defense attorney

foreperson prosecuting attorney

IV. STEPS

1. Review Handout #2 - KEY CONCEPTS AND VOCABULARY unless this has already been accomplished by the classroom teacher.

2. Students will have the same roles they began in lesson six. Have the defense attorneys, Pat Kyd and the resource person-coaches assemble to review last minute strategies. Have the prosecuting attorneys and Officer Rodriguez and the resource person coaches do the same. Of the remaining students, select one student to be the judge and one student to be the bailiff. The rest of the class will serve as the jury.

3. With the assistance of the jury, organize the classroom into a "courtroom" with a judge's bench, and tables or desks representing the prosecution's side and the defense's side. The jury should sit together and off to the side in order to see the attorneys and the witnesses.

4. Distribute Handout #1 - TRIAL RUN to the judge, bailiff and jury. One legal resource person should review the handout with the group and briefly explain the responsibility of impartiality of the judge and jury as well as the bailiff's duty to keep order in the court.

5. Have the participants take their places. The bailiff should begin the trial by calling the courtroom to order. At least thirty minutes should be used for the trial.

6. The jurors should elect a foreperson. Then, the jury should deliberate in the presence of the class. The jurors should form a circle. All observers should sit

outside the circle for the deliberations. Only jury members should speak during the deliberations.

7. When the jury has reached its decision, have the foreperson read the verdict.

V. GENERAL DISCUSSION

1. What did the judge think? Would he/she have decided the same way the jury did?

2. What positive, constructive comments can be added by the legal resource persons and teacher?

3. How do the attorneys, witnesses, defendant and bailiff feel about the outcome?

VI. ADDITIONAL ACTIVITIES

- Do the trial again. Invite a local municipal judge who tries cases similar to the Kyd case to try the case. Send out letters to parents and the community and perform the trial for an audience. Everyone in attendance will learn something about state law and the entire audience can serve as the jury.

- Visit a courthouse. Have small groups observe various trials or court proceedings. Have the different groups make presentations about what they observed.

VII. RELEVANT LAW

See supplement.

HANDOUT #1 - THE TRIAL
TRIAL RUN

A mock trial is a simulation of a judicial proceeding. This mock trial is not formal, but follows some of the general procedures of a criminal trial.

STEPS IN THE MOCK TRIAL AND COURT INSTRUCTIONS

I. To start the trial, the bailiff should read the following statement:

"Will everyone please rise. HEAR YE! HEAR YE! The District Court of **(name of school)**, State of **(your state)**, is now in session, the Honorable Judge **(name of student judge)** presiding."

II. After entering, the Judge should read the charges in order to give the observers an idea as to what the case is about:

"Please be seated. Ladies and Gentlemen we are here today to hear the case of People of *The State of (your state) v. Kyd*. The defendant, Pat Kyd, has been charged with: Driving Under The Influence, Driving With An Open Container and/or Possession And Consumption Of Alcohol While A Minor." The resource person should provide the proper offense names used in your state.

"Is the State ready to proceed?" (wait for an answer). "Is the defense ready to proceed?" (wait for an answer).

"The State may proceed with its opening statement." (The judge should allow the State to make a brief opening statement).

"Defense, you may proceed with your opening statement." (The judge should allow the Defense to make a brief opening statement).

III. The Prosecution calls its witness, Officer Rodriguez or Jamie Johnson, for direct examination. Then the defense has an opportunity for cross examination. After the prosecution has called all witnesses, it "rests" its case.

IV. Defense calls its witness, Pat Kyd or Jamie Johnson, for direct examination. The Prosecution then has an opportunity for cross examination. After the defense has called its last witness, it rests its case. The defendant need not testify in a trial as the prosecution must prove the guilt of the accused; the defendant need not prove his/her innocence.

V. After both sides have completed their questioning, the Judge will say: "The Prosecution may proceed with its closing statement." (Allow the Prosecution to make a brief closing statement, summarizing its case against Pat Kyd).

"The Defense may proceed with its closing statement." (Allow the Defense to make a brief closing statement, summarizing its case and explaining how the Prosecution's case has not been proven).

VI. The Judge will now give the jury instructions as follows:

"Ladies and Gentlemen of the jury, you have now heard all the testimony and seen all the evidence in the case of *State v. Kyd.* The matter is in your hands to decide the guilt or innocence of Pat Kyd."

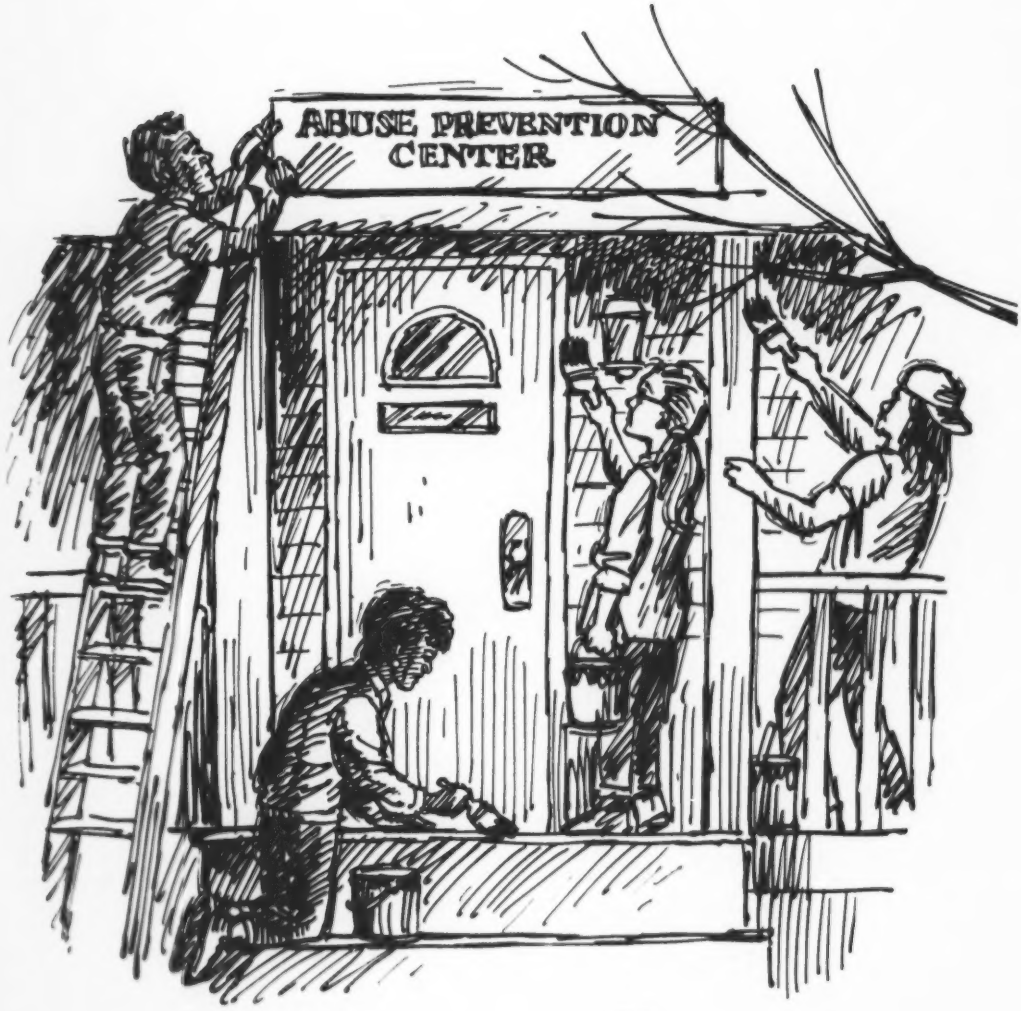
HANDOUT #2 - THE TRIAL
KEY CONCEPTS & VOCABULARY

bailiff	a local official, usually a sheriff's deputy, who keeps the peace in court
defense attorney	lawyer who represents a defendant in a civil or criminal case
deliberate	to weigh, examine, reflect upon and discuss in order to form an opinion
foreperson	the presiding member of a jury, who speaks or answers for the jury
prosecuting attorney	one who prosecutes another for a crime in the name of the government

LESSON EIGHT

Developing A Student/Community Collaborative:

Community Service In Action



LESSON EIGHT:
DEVELOPING A STUDENT/COMMUNITY COLLABORATIVE TO FIGHT DRUGS

I. LESSON DESCRIPTION

Students will focus on developing a model for a community service project which will be a collaborative effort of students, parents/guardians, educators, the professional legal community, the courts, businesses, community organizations, government agencies, and law enforcement to look at the causes and consequences of the sale and use of alcohol and other drugs in their community.

II. OBJECTIVES

1. Students will develop an awareness of the importance of involving the entire community in a collaborative effort to make a difference in reducing the use and sale of alcohol and other drugs in their community.

2. Students will identify a step by step problem solving process that they can use to develop a strategy for reducing the use and sale of alcohol and other drugs in their community.

3. Students will develop a model action plan for developing a collaborative community effort for reducing the use and sale of alcohol and other drugs in their community.

III. KEY CONCEPTS AND VOCABULARY

collaborative	community service	consequences
model action plan	process	

IV. STEPS

1. Review Handout #2 - KEY CONCEPTS AND VOCABULARY unless this has already been accomplished by the classroom teacher.

2. Ask students to list the problems that exist in their community related to abuse of alcohol and other drugs. List the problems on the right side of the board. Then ask students to list the consequences of those problems on the left side of the board.

3. Brainstorm with the class all the different groups that are effected by these problems. The list should range from parents/guardians, to students, to businesses, to the courts, to law enforcement. For example, if law enforcement is fighting drug dealers it cannot handle other responsibilities.

4. Show the class a piece of string. Explain that the string is one part of the community - law enforcement. Break the string. Then ask who in the community could join with law enforcement in the fight against alcohol and other drugs. Ask

students to brainstorm who the other groups are in their community that could join with law enforcement in this fight. In the center of the board, every time a student gives an answer, write the answer and add a piece of string. At the end of the brainstorming try to break the string (use a strong piece that, with several pieces together, will not break). Then above the list write the word COLLABORATIVE. Explain that a collaborative is a group of people who work together for a common goal. Discuss the advantages of a community collaborative to fight against alcohol and other drugs and the strengths of adding each of the groups listed to the collaborative. Compare the groups that were listed for the collaborative with the ones effected by problems of alcohol and other drugs. If some groups were not added, ask the students why those groups including students, parents/guardians, businesses, courts, the legal profession, community organizations, government agencies, senior citizens, etc. were not.

5. Distribute Handout #1. Divide students into small groups by having them count off from one to five. Place all students sharing the same number in the same group. Each group should select a reporter to report the group's findings, a recorder to take notes for the group and a group leader to ensure all members of the group have an opportunity to participate. Each group should develop a plan for one specific problem dealing with alcohol and other drugs in their community and explain how each of the parts of their collaborative would be involved.

V. GENERAL DISCUSSION

Have students, as a class, discuss each particular problem and their step by step approach for solving that problem. As each group presents their proposed solution, ask students to consider how workable the solution is, and what would be the most appropriate next step.

VI. ADDITIONAL ACTIVITIES

1. Have students write up their plans and send them to the Mayor, a community task force on drugs, the chief local law enforcement officer for the community or other appropriate individuals.

2. Have students plan a community conference on developing a collaborative including students to fight the problems of alcohol and other drugs. Schedule the conference and invite representatives from the groups in the collaborative. At the conference discuss the classes' action plans as a beginning for a collaborative plan of action.

3. Have students work with their local Newspaper in Education Program Coordinator to develop an elementary lesson for students on abuse of alcohol and other drugs.

VII. RELEVANT LAW

See supplement.

HANDOUT #1 - COMMUNITY SERVICE

Each group should decide which problem resulting from the abuse of alcohol and other drugs they will address. Describe the problem in the space provided:

_____

_____

_____

_____

_____

Each group should identify the groups of people (ie: law enforcement, religious leaders, etc.) who will make up their collaborative in the space below:

_____ _____ _____

_____ _____ _____

_____ _____ _____

Each group should develop a plan of action addressing their problem and involving all members of their collaborative. In the space below list the steps of the group's plan:

STEP	PLAN OF ACTION

HANDOUT #2 - COMMUNITY SERVICE - KEY CONCEPTS AND VOCABULARY

collaborative	a group of people who work together to achieve a common goal
community service	engaging, usually voluntarily, in helpful acts for the good of the public
consequences	the results of action or lack of action, effects, results, outcomes, outgrowths, things that proceed from action or inaction
model action plan	a description of a step by step method of achieving a goal that has been successfully attempted
process	a series of progressive and interdependent steps by which an end is obtained

LESSON NINE

Sobering Thoughts

LESSON NINE: SOBERING THOUGHTS

I. LESSON DESCRIPTION

Students will discuss concerns about prom night by evaluating possible scenarios resulting from the evening's activities. They will react to dilemmas faced by attendees, chaperons, parents and law enforcement officers. Students will then discuss the effectiveness of proposed ways to limit drug/alcohol consumption by adolescents.

II. OBJECTIVES

1. To create a forum for student discussion of the concerns of parents, law enforcement officers, educators and students regarding the use of drugs including alcohol and the operation of motor vehicles.

2. To educate students about proposed/pending state government action to reduce teen consumption of drugs/alcohol and to determine the deterrent effect of the new laws.

III. KEY CONCEPTS & VOCABULARY

blood alcohol content (BAC)	curfew	hypothetical
nighttime driving restrictions	obstruction of justice	

IV. STEPS

1. Review Handout #2 - KEY CONCEPTS AND VOCABULARY, unless this has already been accomplished by the classroom teacher.

2. Ask students when their prom is held. Where is it held? How many people attend? Do students drive? Has there ever been a drug related incident on prom night? Remind students that alcohol is a drug.

3. Distribute Handout #1. Ask someone to read the handout aloud while everyone follows along.

4. Have students count off from one to five. Assemble all students sharing the same number in a common area. Have each group select one student to serve as the group recorder to take notes for the group, one student to serve as the reporter to share the group conclusions with the class, and one student to serve as the group leader to ensure each member of the group has an opportunity to speak during the group discussion period. Each group should resolve each of the questions for all five hypotheticals.

5. Select a group reporter to state the group's conclusions concerning the first hypothetical. Do other groups agree? How do they differ? What are the most

important considerations? Have a similar discussion for the remaining hypotheticals.

V. GENERAL DISCUSSION

1. After each group identifies the most appropriate course of action, have the group act out the course of action in a scene and then explain the pros and cons of the different alternative courses of action and why the one acted out was the most appropriate. The group should write dialogue for each of the characters in their scene.

2. States are concerned about the number of minors using drugs including alcohol in conjunction with operating a motor vehicle. As a consequence some states are considering nighttime curfews on driving for teenagers.

   What do you think? Is this fair? Will it deter driving and drinking? What effect will this law have on teenagers who work at night? What are some of the pros and cons regarding this?

3. Some states are also considering license suspension on the spot for adolescents caught driving with any amount of alcohol in their blood.

   What do you think? Is this fair? Will it deter driving and drinking? What are some of the pros and cons regarding this?

4. Assuming that any teen willing to break the law by drinking is willing to drink and drive, some states are considering license suspension for teenagers involved in any alcohol law violation whether it is related to driving or not.

   What do you think? Is this fair? Will it deter driving and drinking? What are some of the pros and cons regarding this? Is this potential punishment likely to impact the alcohol consumption of teenagers?

VI. ADDITIONAL ACTIVITIES

1. Invite a local law enforcement officer to class to discuss drug and alcohol related traffic accidents in your community.

2. Have students research the status of the state law regarding consumption of alcohol by minors.

3. Have students write letters to local politicians stating their position regarding the night curfew for teenagers, the immediate license suspension for adolescents driving with any amount of alcohol in their blood and/or license suspension for violation of any alcohol law.

4. Have students bring in magazine and newspaper articles concerning alcohol abuse and its consequences.

5. Invite a drug and alcohol counselor or a recovering drug addict/alcoholic to class to discuss substance abuse problems.

VII. RELEVANT LAW

See supplement.

HANDOUT #1 - SOBERING THOUGHTS

Directions: Groups will list alternative ways to respond to hypothetical situations from prom night. They will look at the evening from the perspective of a driver, a passenger, a police officer, a chaperon and a parent. Groups should list alternative ways to respond and the pros and cons of each alternative. Finally, groups should select the most appropriate response for each person.

♦ ♦ ♦ ♦

JT, a senior, invited Shareeq, a junior, to the prom. On the big night after picking Shareeq up, JT stopped at Parkway Liquors for vodka with which to spike the punch. Shareeq, on medication because she had elbow surgery, knows she should not mix medication and alcohol. JT and his friends expect her to join them in the evening of celebration. Shareeq also knows her advisor and friend, Mr. Smith, a prom chaperon is allergic to alcohol. Drinking the punch would put him in danger. Shareeq is faced with the decision to drink or not drink with JT. She is also faced with the decision of whether or not to inform Mr. Smith or another chaperon of the alcohol in the punch. What should she do? Why?

Ms. Wane observes a group of students drinking alcohol at the prom. She does not see Juanita drink, but she appears to be very intoxicated. Juanita's friend, Tanya, worships her and always defers to Juanita on important decisions. It is unclear whether Tanya was drinking. Ms. Wane senses they are preparing to leave, but before she can stop them, Juanita and Tanya leave. Juanita is driving. Ms. Wane is faced with the decision of whether or not to call the police and alert them to Juanita' intoxication and/or call Juanita's and/or Tanya's parents. What should she do? What are her responsibilities as a chaperon/teacher? As a friend to the students? As a citizen? Why?

Mr. & Mrs. Tang are proud of Mike, their first child to graduate high school. On prom night Mike calls to say there has been an auto accident. He hit a tree in a downtown city park about 5 miles from home. Neither he, nor his date are injured, but the car has $900 in body damage. Mike had been drinking wine at the prom. Mr. & Mrs. Tang immediately go to the scene to get the kids. The police have not shown up, it is late and no other cars have gone by. Although accidents must be reported, the Tangs realize reporting this will jeopardize Mike's graduation, will result in Mike being ticketed and possibly arrested for driving under the influence and will cost them money in higher insurance rates. What should they do? Drive off or call the police? Why?

continued next page

Amanda drank some spiked punch at the prom. Her date, Li wanted to impress her, but managed to drink only a few sips of the spiked punch. Amanda drove home despite her apparent intoxication. Li was too shy to demand she not drive. Amanda hit a bridge after taking a curve too fast on a busy street. Fortunately neither Amanda nor Li was hurt, but the car was seriously damaged. Amanda immediately realized she was in a lot of trouble since she wrecked her mom's car and was driving while intoxicated. She panicked. Amanda turned to Li and said, "Switch seats with me. Hurry, before the police get here." Li remembered the punch he drank. He knows Amanda is drunk. He knows his parent's car insurance will skyrocket if he is the person responsible for the wreck. The police are on their way. What should he do? Why?

Police Officer Monroe happens upon the scene of a prom night accident where Martin Walters, Valley High's star athlete, was explaining to his parents that he swerved to avoid a porcupine and drove straight into a tree only four blocks from his home. Despite a damaged car, there were no injuries. The Walters, Martin's parents, although upset with their son's irresponsibility, do not want him arrested. Officer Monroe is the chair of the Booster Club which raises money for the Valley High Football Team. Martin is the football team captain. When the officer asks who was driving, Martin, his date and his father all say, "I was" at the same time. The officer can smell alcohol on Martin. The Walters vow to drive the car straight home. What should Officer Monroe do? Should he arrest Martin? Should he arrest the father and the girlfriend for obstruction of justice? Should he escort them home? Why?

HANDOUT #2 - SOBERING THOUGHTS
KEY CONCEPTS & VOCABULARY

blood alcohol content	grams of alcohol per 100 milliliters of blood, used to determine level of intoxication
curfew	a regulation requiring the withdrawal of specified persons from the street or the closing of business establishments or places of assembly at a stated hour
hypothetical	the process of setting up a set of facts and assuming they are true in order to answer questions about the facts
nighttime driving restrictions	laws that make it illegal for drivers under a certain age to drive at night
obstruction of justice	interfering by words or actions with the proper working of law enforcement, the courts or court officials

APPENDICES

EFFECTIVE PRESENTATION TIPS

IT IS EFFECTIVE TO:

♦ Talk to the classroom teacher before you visit the class. Find out the class size, grade level, class ability and topic.

♦ Translate legalese into English.

♦ Use a variety of methods and examples.

♦ Work with the teacher to avoid just lecturing. Identify lessons ahead of time.

♦ Start where students are, and relate your presentation to their world, for example, start with a story involving young people and the law currently in the news.

♦ At the beginning, briefly tell students about your work and explain the goals of your visit.

♦ Encourage questions.

♦ Ask the teacher to provide name tags. Involve as many students as possible.

♦ Be realistic about the legal system. You can show students how to improve the legal system.

♦ Let students see you as a real human being. Share your interests, concerns, and satisfactions.

♦ Be prepared for hard questions.

♦ Remember you are a role model for the students you are visiting and an ambassador for your profession.

♦ Maintain eye contact.

♦ Keep your presentation to the time indicated by the teacher.

♦ Let your personality come across.

♦ Be certain that both sides of controversial issues are brought out either by the students, yourself or the teacher.

IT IS NOT EFFECTIVE TO:

♦ Lecture at students.

♦ Have the teacher leave the room during your visit.

♦ Try to cover a broad range of topics in one class period.

♦ Talk down to students.

♦ Underestimate the ability or intelligence of students.

♦ Not admit when you do not know an answer.

♦ Tell a lot of war stories.

♦ Read a prepared speech and/or stay behind a desk or podium.

♦ Allow a few students to dominate the discussion.

♦ Feel you must defend everything about the operation of the legal system. An unrealistic, idealized portrait of the system can increase student cynicism.

♦ Give advice on individual legal problems.

♦ Allow yourself to get angry at heckling or passive unresponsiveness.

♦ Talk in a monotone.

♦ Assume the students or participants either have or lack knowledge about a given point. Check it out.

"The best answer to the question, 'What is the most effective method of teaching?' is that it depends on the goal, the student, the content, and the teacher. But the next best answer is, 'Students teaching other students.' There is a wealth of evidence that peer teaching is extremely effective for a wide range of goals, content, and students of different levels and personalities."

Wilbert McKeachie, et al. (1986)

Working With Special Students

An effective resource person will enhance the learning experience for students participating in a law related lesson. There are certain steps a resource person can take to ensure s/he is effective. Preparation is essential for success. To prepare to work with students the resource person must work with the classroom teacher to understand the objectives of her/his visit and to become aware of the students with whom s/he will be working.

While every school, student and teaching experience will be unique, we have attempted to identify some common characteristics shared by identifiable groups of students.

Who Are At-Risk Students?

"At-risk" is a loosely defined term used to describe an individual who may be in danger of exhibiting behavior considered inappropriate. It has been said, "You may not be able to define it, but you know it when you see it." Risk factors for youth problems have been identified for various areas including delinquency or antisocial behavior, drug (including alcohol) abuse, school drop out, mental health and teen pregnancy. These problems share common risk factors despite the fact that youth with one problem may be very different than youth with another problem. Generally at risk youth are exposed to one or more of the following:

- Early display of anti-social behavior and aggression.
- Drug use and criminal behavior by family members and/or friends.
- Poor family management practices. Stress at home.
- Family conflict. Low expectations from family. Single parent family.
- Development in a deprived social/economic environment.
- Academic failure. Disruptive in class. Retention in one or more grades.
- Psychological dysfunctions/personality disorders.
- Low commitment to school, learning and education.
- Negative peer influences. Lured to immediate gratification.
- Alienation from authority figures and/or weak bonding to pro-social norms.
- Development in disorganized or alienated neighborhood.
- All friends outside of school.
- Language minority family.

Tips For Working With At-Risk Students

- Focus on relevant problems that make sense to the students and that involve real world tasks.
- Involve students in real-life experiences and integrate the students experiences and culture in classroom activities.
- Highlight the process, not just the product. Use instructional strategies that engage the students in discussions and analysis of controversial issues.
- Promote active learning so that the student is not just a passive recipient in the educational process.
- Expose students to major concepts from which they can construct their own principles.
- Build in periods of physical activity, rather than having long periods during which the students are seated or inactive.
- Since at-risk students think concretely and have difficulty understanding apparent hypocrisy, save time and trouble by modeling what you are teaching.
- Demonstrate the relevance of the subject matter since students who have the most trouble in school often take the narrowest view of what is worth learning.
- Respond in a positive manner to students and allow students to work in supportive, cooperative groups because many at-risk students are quick to respond to negative feedback..
- Allow task oriented noise during class.
- Give students a sense of ownership in their group by allowing them to share in the decision making.
- If possible involve the family in the school program.

Tips For Working With Gifted Students

- It is important to discuss with the teacher of gifted and talented students both the subject to be covered during your visit and the make up of the class.
- There are several key points to remember when working with gifted students:
  - Gifted students may have a tendency to monopolize or dominate the conversation. Make an effort to get all students involved.
  - Gifted students may be bored by a routine presentation. Interactive, highly participatory lessons are more likely to stimulate them.
  - Gifted students often disagree more vocally than other students.
  - Gifted students may be very impatient with themselves and very critical of themselves and others.
  - Gifted students tend to be extremely interested in vocabulary and participatory learning.
- Planning and organization are particularly crucial to an effective lesson with gifted students.

Tips For Working With Students For Whom English Is A Second Language

Students for whom english is a second language are likely to have difficulty following directions, asking for clarifications, understanding specialized vocabulary, and comprehending or expressing law related concepts. The following hints for working with language minority students were gleaned from the publications of the National Clearinghouse for Bilingual Education in Washington, DC:

- *Set up a buddy system.* Pair the language minority student with an english proficient peer, especially one who is bilingual. The bilingual buddy can guide the student through various activities during or after class and possibly do some tutoring.

- *Contextualize the lesson.* Give an extensive introduction to the lesson clarifying the context in which new concepts will be presented. Draw from students personal experiences in the area. Highlight the main ideas of the lesson along with supporting details in simple english, preferably in writing.

- *Simplify the language throughout.*

- *Teach the core vocabulary in advance.* Scan the lesson to ensure that all content area words are included in the vocabulary. Add additional words that english as a second language students may need to know. Have this vocabulary gone over the day before the lesson.

- *Use cooperative grouping as a learning strategy.* Mix language minority students with language majority students. Assign students roles of reporter, recorder, time keeper, and group facilitator to ensure that all participate.

- *Use language minority students as resources in the mainstream classroom.* They can teach others their linguistic, cultural, legal and constitutional heritage as well as governmental and social customs.